

1637  
Dm

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Richard E. Rothman ) Examiner: S. Chunduru  
Serial No. 09/940,860 ) Group Art Unit: 1637  
Filed: August 29, 2001 )  
For: MOLECULAR DIAGNOSIS OF BACTEREMIA ) Atty. Dkt. No. 001107.00185

REQUEST UNDER 37 C.F.R. § 1.48(a)

Commissioner of Patents  
c/o Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Petitioners request that the named inventorship of the above captioned application be changed to add Charlotte A. Gaydos as an inventor.

The following items are enclosed to complete this petition:

1. Fee authorization for \$130.00 under 37 C.F.R. § 1.17(i);
2. Statement by new inventor Charlotte A. Gaydos;
3. Statement by current assignee of record The Johns Hopkins University;
4. Joint Declaration of Richard E. Rothman, Maulik D. Majmudar, and Charlotte A. Gaydos.

07/11/2005 SSITHIB1 00000080 190733 09940860  
01 FC:1464 130.00 DA

Respectfully submitted,

Sarah A. Kagan  
Registration No. 32,141

Dated: July 7, 2005

Customer No. 22907  
Banner & Witcoff, LTD.



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In re Application of	)	
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Richard E. Rothman	)	Examiner: S. Chunduru
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Serial No. 09/940,860	)	Group Art Unit: 1637
	)	
Filed: August 29, 2001	)	
	)	
For: MOLECULAR DIAGNOSIS OF BACTEREMIA	)	Atty. Dkt. No. 01107.00185

**STATEMENT UNDER 37 C.F.R. § 1.48(a)(2)**

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

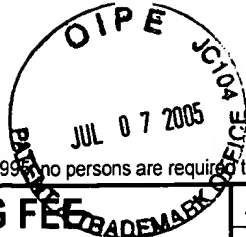
Sir:

I, Charlotte A. Gaydos, declare:

1. That I am an inventor of the above-captioned application.
2. That the error in failing to name me as an inventor occurred without any deceptive intent on my part.
3. That all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11-22-04  
Date

Charlotte A. Gaydos  
Charlotte A. Gaydos



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PROCESSING FEE**  
Under 37 CFR 1.17(i)  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/940,860
Filing Date	August 29, 2001
First Named Inventor	Richard E. ROTHMAN
Art Unit	1637
Examiner Name	S. Chunduru
Attorney Docket Number	001107.00185

Enclosed is a paper filed under 37 CFR 1.48(a) that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 130 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-0733  
☒ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.  
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.  
§ 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.  
§ 1.48 - for correcting inventorship, except in provisional applications.  
§ 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.  
§ 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).  
§ 1.55 - for entry of late priority papers.  
§ 1.99(e) - for processing a belated submission under § 1.99.  
§ 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).  
§ 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).  
§ 1.103(d) - for requesting deferred examination of an application.  
§ 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.  
§ 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**  
§ 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.  
§ 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371 (c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.  
§ 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature

Sarah A. Kagan

Typed or printed name

July 7, 2005

Date

32,141

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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In re Application of	)	
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Richard E. Rothman	)	Examiner: S. Chunduru
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Serial No. 09/940,860	)	Group Art Unit: 1637
	)	
Filed: August 29, 2001	)	
	)	
For: MOLECULAR DIAGNOSIS OF BACTEREMIA	)	Atty. Dkt. No. 01107.00185

**STATEMENT UNDER 37 C.F.R. § 1.48(a)(5)**

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Current assignee, The Johns Hopkins University, agrees to the change of inventorship on the above-captioned patent application to add Charlotte A. Gaydos.

The Johns Hopkins University is an assignee of the above-captioned patent application by virtue of an assignment from inventors Richard E. Rothman and Maulik D. Majmudar recorded on May 21, 2003 at Reel 014096, Frame 0232.

The undersigned individual has authority to sign on behalf of The Johns Hopkins University.

9/8/04  
Date

The Johns Hopkins University

R. Keith Baker, Ph.D.

Director

Licensing and Technology Development

The Johns Hopkins University School of Medicine



## JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled MOLECULAR DIAGNOSIS OF BACTEREMIA, the specification of which

- ☐ is attached hereto.  
☒ was filed on August 29, 2001 as Application Serial Number 09/940,860 and was amended on \_\_\_\_\_ (if applicable).  
☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and amended on \_\_\_\_\_ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (Day, Month, Year)	Date of Issue (Day, Month, Year)	Priority Claimed Under 35 U.S.C. §119

### Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application(s) listed below:

U.S. Provisional Application No.	Date of Filing (Day, Month, Year)	Priority Claimed Under 35 U.S.C. §119(e)(1)
60/229,376	31/08/2000	Yes

### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

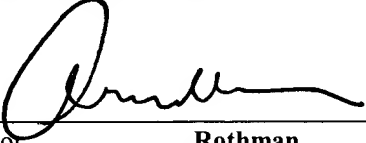
### Power of Attorney


And we hereby appoint, both jointly and severally, as our attorneys, all Banner & Witcoff, Ltd. attorneys indicated therein under PTO Customer Number #22907, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office.


All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.  
Customer Number: 22907 (WDC)

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature  Date 11-22-04  
Full Name of First Inventor Rothman Richard E.  
Family Name First Given Name Second Given Name  
Residence Cockeysville, Maryland Citizenship U.S.A.  
Post Office Address 1131 Ivy Hill Road, Cockeysville, Maryland 21030

Signature  Date 12/22/04  
Full Name of Second Inventor Majmudar Maulik D.  
Family Name First Given Name Second Given Name  
Residence Germantown, Maryland Citizenship U.S.A.  
Post Office Address 19335 Libery Heights Lane, Germantown, Maryland 20874

Signature  Date 11-22-04  
Full Name of Third Inventor Gaydos Charlotte A.  
Family Name First Given Name Second Given Name  
Residence Bel Air, Maryland Citizenship U.S.A.  
Post Office Address 1143 Starmount Court, Bel Air, Maryland 21015